

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**BRENDA LYNN GEIGER; CLAUDIA
SAMPEDRO; JESSICA BURCIAGA;
IESHA MARIE CRESPO; JESSICA
ROCKWELL; and LUCY PINDER,**

PLAINTIFFS

v.

**RP ENTERTAINMENT, LLC d/b/a CLUB
TABU a/k/a TABU NIGHTCLUB a/k/a
TABU; and KILLEEN 2007 LLC d/b/a
MANGOS;**

DEFENDANT

Case No. 6:21-cv-00145

ALL PARTIES' JOINT STATUS REPORT

**I.
BACKGROUND**

On Friday, March 4, 2022, the parties agreed, in principle, to settle the above-captioned matter and filed a Stipulation and Notice of Settlement asking this Court to stay all deadlines for 45 days. (Doc. 21). On March 8, 2022, the Court granted this Motion and ordered the parties to provide a status notice no later than April 22, 2022. (Doc. 22). On the same day, the Court ordered the parties to prepare a Joint Status Report and Motion to Enter a New Scheduling Order by April 25, 2022, if the dismissal was not filed. (Doc 23). Counsel have conferred and due to a scheduling conflict, respectfully asked this Court to extend their deadline to do so until no earlier than May 2, 2022, so that all clients may be consulted, and settlement terms may be finalized. The Court granted that Motion (Doc. 27).

II. STATUS

A. Plaintiffs' Position

As of the filing of this Status Report, the parties have failed to finalize settlement terms. After taking the 30(b)(6) deposition of Defendant, Plaintiffs reviewed the transcript and offered a settlement option involving a consent judgment in light of the Defendant's assertion that it had never maintained insurance coverage and was out of business shortly after the Covid-19 pandemic. After multiple conversations the parties are at an impasse.

As this matter has not been mediated and no settlement conference has been completed, Plaintiffs are willing to submit this matter to either resolution process in an attempt to settle all claims.

If this matter cannot be settled via mediation or settlement conference, Plaintiffs respectfully request a scheduling conference with this Court after submission of a Joint Scheduling Order to establish new scheduling deadlines so that discovery may be completed, dispositive motions may be filed and considered, and this matter be prepared for trial, if necessary.

B. Defendants' Position

Plaintiffs presented Defendants with a proposed consent judgment (the settlement option referenced by Plaintiffs above) on May 2, 2022. Defendants agree that the parties have failed to finalize settlement terms and are at an impasse at this time. Defendants are skeptical that a formal mediation would be fruitful.

Defendants are willing to continue settlement discussions and are also agreeable to a scheduling conference, if the Court considers it necessary, after submission of a joint proposed scheduling order to establish a new trial setting and pretrial deadlines. Defendants would object to inclusion of new deadlines for discovery or dispositive motions. If the Court prefers a scheduling

conference, Defendants ask that such conference not be scheduled the week of May 16, 2022, because of existing trial conflicts.

Dated May 2, 2022

/s/Dennis C. Postiglione

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CERTIFICATE OF CONFERENCE

I hereby certify that on the 21st and 22nd day of April 2022 I spoke to counsel for Defendants, Marcus Mataga, via phone. I also spoke to Mr. Mataga via email on May 2, 2022. We were unable to reach a final agreement regarding dismissal of all claims.

/s/Dennis C. Postiglione

Dennis C. Postiglione

CERTIFICATE OF SERVICE

I certify that this Motion was served upon counsel below via the ECF System and via in addition to email, pursuant to the Federal Rules of Civil Procedure on May 2, 2022.

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